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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,504	03/31/2004	Satoru Wakao	1232-5362	8217
27123	7590	01/07/2008		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER AZARIAN, SEYED H	
			ART UNIT 2624	PAPER NUMBER
			NOTIFICATION DATE 01/07/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/815,504	Applicant(s) WAKAO, SATORU	
	Examiner Seyed Azarian	Art Unit 2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-14 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 10/23/2007 has been entered.

### Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.3218 may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3-14 and 19-27, rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12, of (U.S. Patent No. 7,298,932).

Each of the limitation set forth in the claims of the instant application is defined in the claims of the patent.

As an example consider claim 1, of current application, compared to claims 1 and 2, of (U.S. Patent No. 7,298,932) discloses, a control apparatus which controls an image sensing apparatus, comprising: a determination unit which determines whether or not verification data has been added to an image file, wherein the verification data is used to determine whether or not a digital image in the image file has been altered; a command generating unit which generates a command that requests the image sensing apparatus to change the contents of the image file; and a command sending unit which sends the command to the image sensing apparatus if said determination unit determines that the verification data has not been added to the image file whereas the command is not sent to the image sensing apparatus if said determination unit determines that the verification data has been added to the image file. The control apparatus according to claim 1, wherein said control apparatus displays a message indicating that the contents of the image file cannot be changed, if said determination unit determines that the verification data has been added to the image file (column 16, line 56 through column 17, line5).

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-14 and 19-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman (U.S. patent 5,499,294) in view of Takanashi Teruo (U.S. patent 6,330,051).

Regarding claim 1, Friedman discloses an image verification apparatus comprising (column 4, lines 19-29, the invention is to provide a solution to the problem of authenticating digital image files for verification);

verification unit which verifies whether an image file has been altered (column 6, lines 31-52, digital processing system programmed with same hashing algorithm used in digital camera and a secure image hash using a decryptor 22 comprising a digital processing system with public key as a second input to decrypt the digital signature. A comparator receives the image hash from the decryptor for matching. If the single bit in the image being authenticated has been altered, the two hashes will not even closely match the image's authenticity will be indicated as not being affirmed by an authenticity output signal).

Friedman discloses (column 4, line 55 through column 5, line 14, additional information, also column 5, lines 54-65, viewing the captured image for authentication, and further column 6, lines 31-52, a comparator receives the image hash from the decryptor for matching. If the single bit in the image being authenticated has been altered, the two hashes will not even closely match the image's authenticity will be indicated as not being affirmed by an authenticity output signal, further Fig. 4, column 7, line 58 through column 8, line 25, finally all valid public keys is desirable to defeat a counterfeiter, would result in the declaration by the comparator of mismatch between the secure image hash from the decryptor). But does not explicitly state its corresponding "display the additional information (thumbnail image) if verification unit verifies that the image has been altered". On the other hand Takanashi in the same field of authentication

and verification teaches (see abstract, by changing the shape and the amount of “additional information to be displayed” according to the number of display pictures and the size thereof. When the number of frame pictures displayed in a verifying picture 204 is less than 28, for example, the frame pictures obtained based on read-out image data are displayed in the frame picture display areas 230 of the picture 204 and the whole or one part of the read-out magnetic information is displayed at the Upper parts 254 of the areas 230 and number of frame pictures (thumbnail images) displayed at the picture 204).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Friedman invention according to the teaching of Takanashi because combination of Friedman and Takanashi provides notification of information that may have been altered and display that document has been altered, which can easily be implemented to a verification device.

Regarding claim 3, Friedman discloses the apparatus according to claim 1, wherein said display form change unit displays information indicating that digital image has been altered, if said verification unit verifies that the digital image has been altered (see claim 1, also see abstract, the digital camera for calculating a hash of the image file using predetermined algorithm, and column 6, lines 2-30, also column 7, line 58 through column 8, line 25, finally all valid public keys is desirable to defeat a counterfeiter, would result in the declaration by the comparator of mismatch between the secure image hash from the decryptor).

Regarding claim 4, Friedman discloses the image verification apparatus according to claim 1, wherein the additional information includes information relating to the image file (see claim 1, also column 7, lines 18-45, and containing information).

Regarding claim 5, Friedman discloses the image verification apparatus according to claim 1, wherein the additional information includes information relating to an apparatus, which has generated the image; file (see claim 1, also column 6, lines 2-11, generating image file and storing on a medium in camera system).

Regarding claim 6, Friedman discloses the image verification apparatus according to claim 1, wherein said verification unit verifies whether the digital image has been altered, using a common key of common key cryptography (column 7, lines 6-16, public key cryptography).

Regarding claim 7, Friedman discloses the image verification apparatus according to claim 1, wherein said verification unit verifies whether the digital image has been altered, using a public key of public key cryptography (column 7, lines 18-45, verification for alteration).

Regarding claim 21, Friedman discloses a computer-readable medium that stores a program causing a computer to performed a method of displaying additional information (column 8, line 46 through column 9, line 7, as one buffer is filled with a block of data, another block of data in a second buffer is hashed and encrypted and a third block of data is recorded in a third buffer at a faster clock rate so that its algorithms are complete in the second buffer in time to transfer the digital signature in a third buffer to a camera bulk storage medium before a multiplexer shifts functions among the set of three buffers for the next block of data. Thus, with a set of three buffers A, B and C, assume A is receiving an image block, B is hashing and encrypting a previous block, and C is transferring an encrypted block into the camera bulk storage medium. During the next block interval, the functions are switched A to B, B to C and C to A, and during the third block interval the functions are again switched B to C, C to A, and A to B. The following block interval commences a new multiplexing cycle. In that manner, real-

time recording in the camera bulk storage medium is delayed by only three block intervals).

With regard to claims 8-14, the arguments analogous to those presented above for claims 1, 2, 3, 4, 5, 6 and 7 are respectively applicable to claims 8-14.

With regard to claims 19-20 and 22-27, the arguments analogous to those presented above for claims 1, 2, 3, 4, 5, 6 and 7 are respectively applicable to claims 19-20 and 22-27.

### **Prior art cited**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(U.S. patent 7,114,177) to Rosenberg et al is cited for web site identity assurance.

(U.S. patent 7,043,019) to Tehranchi et al is cited for copy protection for digital motion picture image data.

(U.S. patent 5,875,249) to Mintzer et al is cited for invisible image watermark for image verification.

### **Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (571) 272-7443. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



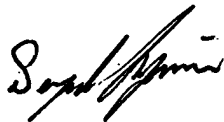
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Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Seyed Azarian*  
*Patent Examiner*  
*Group Art Unit 2624*  
December 18, 2007



**SEYED AZARIAN**  
**PRIMARY EXAMINER**